Appl. No. 10/002,290
Amdt. dated July 21, 2005
Preliminary Amendment

PATENT

REMARKS/ARGUMENTS

Claims 1-20 are pending in this application after entry of this amendment. Claims 1-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bolle et al., U.S. Patent No. 6,675,174 in view of Parker et al., U.S. Patent Publication No. 20020073106A1. Claims 9-10, 14-15 and 17-18 were rejected under 35 U.S.C. §103 as being unpatentable over Burrows in view of Ryan. Claims 11 and 16 were rejected as being unpatentable over Burrows in view of Ryan in view of Bolle. Claims 12 and 13 were rejected as being unpatentable over Burrows in view of Ryan in view of Rhoads.

Claims 1-8

In rejecting claims 1-8, the office action combined the Bolle and Parker references. The office action stated that Bolle did not teach the use of a file name representative of the entire set of data for a file. However, the office action cited Bolle as teaching the element in claim 1 of "associating said frequency representation of said portion of said file with said file name so that said frequency representation is searchable within said directory for use in locating said file." Notably, this element requires the use of a "file name" -- yet, the office action acknowledged that Bolle does not teach use of a file name. Therefore, the office action is mistaken in attributing this feature to Bolle. Furthermore, in view of this misattribution to Bolle, it is believed that the office action has failed to establish a prima facie case of unpatentability under 35 USC §103. Consequently, claim 1 is believed to be in condition for allowance.

Furthermore, it is noted that a combination of Bolle and Parker is inapplicable. Bolle is directed at comparing the similarity between a set of known media segments and a target media stream. At the beginning of the detailed description of Bolle, it states:

> "This system for measuring similarity between a set of known temporal media segments (reference streams) and one or more target media streams, or segments of target media streams, has two distinct aspects. The first aspect is called the index generation phase which builds representations of the reference temporal media

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streams, the second phase is called the recognition phase, where

instances of the known segments in the target stream are

recognized. "

As can be seen from this description, Bolle first generates an index of references in the index generation phase and then compares them to the target stream. There is no need to inventory the Bolle system (as stated by the office action) because the Bolle system generates a clean index listing at the beginning of each comparison. Because of this index generation phase, there would be no unintentional duplication. Consequently, there would be no need to inventory the Bolle index of references. Therefore, it is believed that the combination of Bolle with Parker is inapplicable. For this reason, as well, it is believed that claim 1 is allowable. Since claims 2-8 depend from claim 1, they are believed to be in condition for allowance for at least the same reasons that claim 1 is allowable.

Claims 9-18

Claims 9-18 were initially rejected using the Burrows and Ryan references. Claims 9-10, 14-15, and 17-18 were rejected in view of Burrows and Ryan. Claims 11 and 16 were rejected as unpatentable over Burrows in view of Ryan and in view of Bolle. Claims 12 and 13 were rejected as unpatentable over Burrows in view of Ryan and in view of Rhoads. Claims 10-18 depend from claim 9.

The Office Action noted that Burrows does not teach the element of wherein "files having non-identical fingerprints are redundant of one another." Rather, the Ryan reference at col. 6, lines 23-36 and 54-57 is cited for this element. These cited portions of Ryan are shown below:

"In one this embodiment, the fact that the video has undergone

spatial image distortion according to some pre-arranged pattern

and/or timetable is used to indicate the source of an illicit copy.

The various sources or prints of the original video are subjected to

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different SID patterns which uniquely identify the source or the

print. At a later time, if an illicit copy of the program surfaces, it

will be possible to identify the source or print from which this copy

was made.

To do this, the original video (from an archive) is compared with

the illicit copy. The two video signals are first frame-synchronized

and the signal levels are adjusted to be equal. Any horizontal or

vertical offsets between the two images are also corrected for using

simple subtraction techniques to show up difference. "

Col. 6, lines 23-36.

"For example, the invention techniques may be applied to a

medium other than video signals, such as, for example,

photographs, computer generated images, etc."

Col. 6, lines 54-57.

No determination of redundancies is being made in these cited passages of Ryan.
Rather, the text merely explains how one can trace the origin of an illicit copy back to the
original. The applicants' claim 9, on the other hand, recites "establishing a redundancy standard
so as to indicate whether any two of said fingerprints of said files having non-identical
fingerprints are redundant of one another." In Ryan, an image distortion is used to trace back to
an original photo. There is no determination of whether a first illicit copy of a photo is
redundant of another illicit copy of the photo in Ryan. Consequently, it is believed that use of
the Ryan reference is not applicable, since it does not teach "files having non-identical
fingerprints are redundant of one another." Furthermore, when combined with Burrows it would
not suggest or teach the element of "establishing a redundancy standard so as to indicate whether
any two of said fingerprints of said files having non-identical fingerprints are redundant of one
another." Therefore, it is believed that claim 9 is in for condition for allowance as written. The
applicant respectfully requests that the examiner reconsider the allowability of claim 9. Since

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claims 10-18 depend from claim 9, they are believed to be in condition for allowance for at least the same reasons that claim 9 is allowable.

New Claims

Claims 19 and 20 have been added. Support for claims 19 and 20 is shown for example on page 7 of the application.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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